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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: FACEBOOK, INC. CONSUMER PRIVACY USER PROFILE LITIGATION,

This document relates to:

ALL ACTIONS

CASE NO. 3:18-MD-02843-VC

**SUPPLEMENTAL DECLARATION OF
RUSSELL H. FALCONER IN SUPPORT
OF FACEBOOK, INC.'S SUPPLEMENTAL
STATEMENT IN SUPPORT OF
PLAINTIFFS' ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
ANOTHER PARTY'S MATERIALS
SHOULD BE SEALED**

1 I, Russell H. Falconer, hereby declare as follows:

2 1. I am a partner at the law firm of Gibson, Dunn & Crutcher LLP, counsel of record for
3 Facebook, Inc. ("Facebook") in the above-captioned matter. I am a member in good standing of the
4 State Bar of Texas. I submit this declaration in support of Facebook's Supplemental Statement in
5 Support of Plaintiffs' Administrative Motion to Consider Whether Another Party's Materials Should
6 Be Sealed. I make this supplemental declaration on my own knowledge, and I would testify to the
7 matters stated herein under oath if called upon to do so.
8

9 2. Attached as **Exhibit 1** is a true and correct **unredacted** copy of Exhibit C to Special
10 Master's Amended Order on Plaintiffs' Motion for Additional Time to Conduct Rule 30(b)(6) Deposi-
11 tions, dated August 25, 2022.
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13 3. Attached as **Exhibit 2** is a true and correct **redacted** copy of Exhibit C to Special Mas-
14 ter's Amended Order on Plaintiffs' Motion for Additional Time to Conduct Rule 30(b)(6) Depositions,
15 dated August 25, 2022.

16 4. Attached as **Exhibit 3** is a true and correct **unredacted** copy of Exhibit A to Special
17 Master's Second Amended Order on Plaintiffs' Motion to Compel Additional Production of Quips,
18 Tasks, and Groups, dated August 26, 2022.

19 5. Attached as **Exhibit 4** is a true and correct **redacted** copy of Exhibit A to Special Mas-
20 ter's Second Amended Order on Plaintiffs' Motion to Compel Additional Production of Quips, Tasks,
21 and Groups, dated August 26, 2022.
22

23 6. Attached as **Exhibit 5** is a true and correct **unredacted** copy of Exhibit B to Special
24 Master's Second Amended Order on Plaintiffs' Motion to Compel Additional Production of Quips,
25 Tasks, and Groups, dated August 26, 2022.
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1 7. Attached as **Exhibit 6** is a true and correct **redacted** copy of Exhibit B to Special Mas-
2 ter's Second Amended Order on Plaintiffs' Motion to Compel Additional Production of Quips, Tasks,
3 and Groups, dated August 26, 2022.

4 8. Attached as **Exhibit 7** is a true and correct **unredacted** copy of Exhibit G to Special
5 Master's Second Amended Order on Plaintiffs' Motion to Compel Additional Production of Quips,
6 Tasks, and Groups, dated August 26, 2022.

7 9. Attached as **Exhibit 8** is a true and correct **redacted** copy of Exhibit G to Special Mas-
8 ter's Second Amended Order on Plaintiffs' Motion to Compel Additional Production of Quips, Tasks,
9 and Groups, dated August 26, 2022.

10 10. Attached as **Exhibit 9** is a true and correct **unredacted** copy of Exhibit A to Special
11 Master's Order Regarding Facebook's Objections to 30(b)(6) Written Questions, dated August 8, 2022.

12 11. Attached as **Exhibit 10** is a true and correct **redacted** copy of Exhibit A to Special
13 Master's Order Regarding Facebook's Objections to 30(b)(6) Written Questions, dated August 8, 2022.

14 12. Attached as **Exhibit 11** is a true and correct **unredacted** copy of Exhibit B to Special
15 Master's Order Regarding Facebook's Objections to 30(b)(6) Written Questions, dated August 8, 2022.

16 13. Attached as **Exhibit 12** is a true and correct **redacted** copy of Exhibit B to Special
17 Master's Order Regarding Facebook's Objections to 30(b)(6) Written Questions, dated August 8, 2022.

18 14. Facebook proposes redacting confidential information regarding its data systems and
19 Facebook's proprietary data storage and processing practices.¹ I understand that how Facebook stores,
20 manages, tracks, preserves, deletes, and processes data for billions of users across its data systems are
21 key components of its business that set it apart and ahead of its competitors. I further understand that,
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26 _____
27 ¹ Ex. 1 at 6 (Dkt. 1026-6); Ex. 3 at 4, 5 (Dkt. 1030-4); Ex. 5 at 2, 7, 9, 11, 17 (Dkt. 1030-5); Ex. 7 at i,
28 12–14, 20 (Dkt. 1030-10); Ex. 9 at 23–25, 26–41, 60, 75–76 (Dkt. 1032-4); Ex. 11 at 6, 10–17, 24–39,
 58 (Dkt. 1032-5).

1 if this information were publicly disclosed, Facebook's competitors could take advantage of it to im-
2 prove their own methods for managing high volumes of user data or for tracking and storing user data
3 across data systems, to Facebook's competitive disadvantage. I further understand that hackers and
4 other bad actors could use this information to better understand Facebook's data systems and target
5 specific repositories of data, potentially harming both Facebook and its users.
6

7 15. Facebook proposes redacting confidential information regarding its tool for responding
8 to law-enforcement requests for user records, including the name of the tool, the types of data it con-
9 tains, the delta between the data within the tool and DYI, and the format in which data from the tool is
10 produced.² I understand that public disclosure of details about this tool would reveal confidential in-
11 formation regarding Facebook's internal operations that could be used by bad actors to attempt to cir-
12 cumvent and evade Facebook's enforcement strategies and current and future lawful governmental
13 criminal investigations. I further understand that public disclosure of Facebook's internal processes
14 related to the tool could provide confidential information to competitors about how Facebook tracks
15 and stores data across its systems, to Facebook's competitive disadvantage.
16

17 16. Facebook proposes redacting confidential and competitively sensitive information re-
18 garding its business programs, strategies, decisions, and partners, including confidential technical de-
19 tails of how Facebook develops and uses data to target advertisements to the most relevant users.³ This
20 information also includes confidential strategic discussions regarding Facebook's existing and poten-
21 tial future business models and strategies, as well as confidential information regarding the identities
22 of and negotiations with entities with which I understand Facebook has a business relationship. I am
23 informed and believe that, if publicly disclosed, this information could harm Facebook's relationships
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26 ² Ex. 7 at i, 14–17 (Dkt. 1030-10).

27 ³ Ex. 7 at 24, 31–32 (Dkt. 1030-10); Ex. 9 at 43–53 (Dkt. 1032-4), 59; Ex. 11 at 18–19, 41–51, 57 (Dkt.
28 1032-5).

1 with these entities and undercut Facebook's ability to negotiate with competitors of these entities. I
2 am further informed and believe that public disclosure of confidential information regarding Face-
3 book's business models could allow Facebook's competitors to use this information developed at Fa-
4 cebook's expense to improve or develop their own competing techniques, to Facebook's competitive
5 disadvantage. Additionally, I am informed and believe that public disclosure of confidential infor-
6 mation regarding Facebook's business strategies could allow Facebook's competitors to copy these
7 strategies, developed at Facebook's expense, to more effectively compete with Facebook. Finally,
8 Facebook's ability to serve advertisements to its users effectively is an essential aspect of its business
9 and I am informed and believe that, if publicly disclosed, this information could allow Facebook's
10 competitors to improve their serve of advertisements to Facebook's competitive disadvantage.
11

12 17. Facebook proposes to seal confidential information regarding Facebook's privacy and
13 platform policy enforcement practices, including Facebook's decision-making process for evaluating
14 apps and developers that may be violating its policies.⁴ This includes confidential information regard-
15 ing ADI documents and references thereto. I understand that public disclosure of details regarding
16 Facebook's policy-enforcement efforts would reveal confidential information regarding Facebook's
17 internal operations that could be used by bad actors to attempt to circumvent and evade Facebook's
18 enforcement strategies, potentially harming Facebook and its users.
19

20 18. Facebook asks the Court to seal confidential and sensitive information regarding the
21 parties' confidential mediation process in this litigation.⁵ These documents contain confidential and
22 competitively sensitive information, such as the highly confidential information (described in detail in
23 paragraph 14) regarding how Facebook stores, manages, tracks, preserves, deletes, and processes data.
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26 _____
27 ⁴ Ex. 1 at 7 (Dkt. 1026-6); Ex. 3 at 4 (Dkt. 1030-4); Ex. 7 at 9–10, 31 (Dkt. 1030-10); Ex. 9 at 23, 38–
28 41 (Dkt. 1032-4); Ex. 11 at 6, 20, 24, 36–39 (Dkt. 1032-5).

⁵ Ex. 5 at 20, 22 (Dkt. 1030-5).

1
2 I declare under penalty of perjury under the laws of the United States of America that the fore-
3 going is true and correct.
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5 Executed on September 9, 2022, in Dallas, Texas.
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7

8 /s/ Russell H. Falconer

9 Russell H. Falconer
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